



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
BUREAU OF ENVIRONMENT  
NASHVILLE, TENNESSEE 37243-0435

**FACT SHEET: MERCURY PRODUCT DISPOSAL CONTROL ACT**

**General**

Effective January 1, 2011, the Mercury Product Disposal Control Act (the Act) prohibits "covered generators" from disposing "mercury-added consumer products" as non-hazardous solid waste.

TDEC inspectors are required by the Act to make the following statement to the owner or similar authority at a facility undergoing an inspection:

**"Are you aware that, if any of the following criteria apply to your business and your business utilizes mercury-added consumer products, such as fluorescent light bulbs, the Mercury Product Control Act applies to your business:**

- (1) Employs ten (10) or more employees;**
- (2) Owns or maintains a building of at least three thousand (3,000) square feet, excluding private residences;**
- (3) Owns or maintains one (1) or more electrical distribution systems;**
- (4) Engages in the demolition of buildings, excluding private residences; or**
- (5) Owns or operates a tanning bed salon?**

**The Mercury Product Control Act requires proper recycling of mercury-added consumer products rather than disposing of such products in the solid waste stream. Do you have a plan for recycling mercury-added consumer products?"**

The Act prohibits covered generators from disposing of mercury-added consumer products in any Subtitle D facility (non-hazardous waste landfill) on or after January 1, 2011.

The intent of the Act is to encourage recycling of mercury-added consumer products otherwise destined for disposal. However, the Act provides covered generators the option to dispose of mercury-added consumer products as a hazardous waste. Therefore, effective January 1, 2011, covered generators must ensure that their discarded mercury-added consumer products are shipped for recycling, treatment, or disposal to either a universal waste destination facility or a hazardous waste management facility that has been permitted to manage such materials by the federal Environmental Protection Agency ("EPA") pursuant to the federal Resource Conservation and Recovery Act ("RCRA"), by a state program that has been authorized by the EPA to implement the pertinent portions of RCRA in the state, or by a foreign government.

It also requires that the covered generator manage these materials as hazardous waste pursuant to Tennessee Rules 1200-01-11-.03 through 1200-01-11-.07 or as universal waste pursuant to Tennessee Rule 1200-01-11-.12. The applicability exemptions in 1200-01-11-.12(1)(c)1.(i) & (ii) provided for household waste (except as noted above) and conditionally exempt small quantity generator waste for the management of universal waste mercury-containing equipment and lamps have been negated by the Act. Future rulemaking will be required to address these issues.

**Definitions**

"Covered Generators" are generators that:

- (A) Employ ten (10) or more employees;**
- (B) Own or maintains a building, excluding private residences, of at least three thousand (3,000) square feet;**
- (C) Own or maintains electrical distribution systems;**
- (D) Own or operates a business that demolishes buildings, excluding private residences; or**
- (E) Own or operates a tanning bed salon business.**

“Mercury-added consumer products” are any material, device, or part of a device:

- (A) Into which elemental mercury or mercury compounds are intentionally added during the formulation or manufacture of such material or device; and
- (B) In which the continued presence of mercury is required to provide a specific characteristic, appearance or quality, or to perform a specific function.

These include, but are not limited to:

- (i) Thermostats;
- (ii) Thermometers;
- (iii) Switches (whether individually or as part of another product);
- (iv) Medical or scientific instruments;
- (v) Electrical relays and other electrical devices;
- (vi) Lamps and light bulbs; and
- (vii) Batteries other than those defined as mercury containing excluded products.

Excluded products include:

- (i) Photographic film and paper;
- (ii) Pharmaceutical products;
- (iii) Biological products;
- (iv) Any substance that can lawfully be sold over the counter without a prescription under the Federal Food, Drug and Cosmetics Act, 21 U.S.C. § 301, et seq.;
- (v) Any device or material from which the elemental mercury or mercury compounds have been removed;
- (vi) Button batteries used in hearing aids, radios, cameras, and other devices;
- (vii) Medical devices; or
- (viii) Restorative dental materials.

### **Effects of Improper Disposal**

Information regarding the effects of improper disposal of mercury can be found on the Tennessee Department of Health’s Mercury Web page at <http://health.state.tn.us/environmental/mercury.htm>.

### **Disposal Options**

All solid and hazardous wastes, including those covered by the Mercury Products Disposal Control Act, must be disposed in accordance with the Rules of the Division of Solid Waste Management (1200-1-7 *et seq.* Solid Waste Processing and Disposal and 1200-1-11 *et seq.* Hazardous Waste Management). There are several commercial treatment storage disposal facilities permitted to receive mercury waste and also facilities authorized to handle universal wastes. A current list of these facilities can be found on the Department’s Web site at [www.tn.gov/environment/swm](http://www.tn.gov/environment/swm).

### **Recycling Options**

A list of recycling options can be found at the University of Tennessee’s Center for Industrial Services Recycling Markets Directory at: <http://www.cis.tennessee.edu/cgi-bin/RMD/searchRMD.pl>.

### **Further Information**

More information can be found at [www.tn.gov/environment/swm](http://www.tn.gov/environment/swm) or by calling your local Environmental Field Office at (888) 891-TDEC (8332).